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W.P.Nos.27003 and 27005 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.27003 and 27005 of 2021
and WMP.Nos.28443, 28444, 28448 & 28450 of 2021

K.Saravanan .. Petitioner in W.P.No.27003 of 2021

R.Ganesan .. Petitioner in W.P.No.27005 of 2021

vs.

1.The Secretary to Government,
Revenue (Services II) Department,
Fort St.George, Chennai-9.

2.The Commissioner of Revenue Administration
& Additional Chief Secretary to Government,
Revenue Administration, Disaster Management
& Mitigation Department,
Chepauk, Chennai-5.

3.The District Collector,
Namakkal District.

4.The Revenue Divisional Officer,
Namakkal Division, Namakkal District.

5.The Tahsildhar,
Namakkal Taluk, Namakkal.

6.The Director of Vigilance & Anti-Corruption,
No.293, MKN Road, Alandur, Chennai-16.



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7. The Inspector of Police,
Vigilance & Anti Corruption Department,
Namakkal District.

.. Respondents in both W.Ps.

Prayer in W.P.No.27003 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in connection with the impugned orders passed by him in Roc.No.2214/2020/A1 both dated 31.03.2020, quash the same and direct the respondents 6 & 7 to conclude the Detailed Enquiry No.62/2017/PWD/NK dated 19.03.2020 within a reasonable time and further direct the respondents to superannuate the petitioner from service and settle his retirement benefits due to him within a limited time frame.

Prayer in W.P.No.27005 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in connection with the impugned orders passed by him in Roc.No.3318/2017/A1 both dated 30.06.2017, quash the same and direct the respondents 6 & 7 to conclude the Detailed Enquiry No.62/2017/PWD/NK dated 28.06.2017 within a reasonable time and further direct the respondents to superannuate the petitioner from service and settle his retirement benefits due to him within a limited time frame.

In both W.Ps.

For Petitioner : M/s.M.Muthappan

For Respondents : Mr.P.Balathandayutham
Special Government Pleader
for R1 to R7

COMMON ORDER

By consent, these Writ Petitions are taken up for final disposal.



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2. According to the petitioners the case against the petitioners and others arose on the Vigilance Report submitted by an Officer of the Directorate of Vigilance and Anti Corruption and they were suspended from service and subsequently not allowed to retire from service. It is the grievance of the petitioners that so far no disciplinary proceedings have been initiated against the petitioner or any criminal case has been registered against the petitioners and further they have not been paid with any Subsistence Allowance and therefore, they have filed the present writ petitions.

3. The seventh respondent has filed a detailed counter affidavit wherein it has been stated that detailed enquiry was conducted and concluded and a report was submitted to DVAC on 23.04.2021 for recommending registration of regular case against the accused. The Director, Vigilance and Anti-Corruption, Chennai has sent a report to the Vigilance Commissioner, Chennai for getting concurrence to register a regular case on 13.08.2021. The Vigilance Commissioner, Chennai accepted the recommendation of the DVAC and directed DVAC to get permission under Section 17A of the Prevention of Corruption Act, 2018 from the concerned authorities on



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22.11.2021, in turn, DVAC requested the Additional Chief Secretary to Government, Public Works Department and the Commissioner of Revenue Administration, Chennai to accord prior approval to register a regular case against the accused on 09.12.2021. The prior approval from the Revenue and Public Works Departments to register the FIR is yet to be received and therefore, charge sheet has not been filed before the Court.

4. In view of the stand taken by the seventh respondent in the counter affidavit, the respondent 1 and 2 are directed to consider the request made by DVAC /6th respondent to accord approval to register a regular case against the petitioners, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order. If it is approved, the first respondent shall give suitable instructions to the authority concerned to conclude the disciplinary proceedings against the petitioners within a specified time limit.

5. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24.02.2022

Index : Yes / No
Internet : Yes / No
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D.KRISHNAKUMAR, J.

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